

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-090688

04/19/2010

COMMISSIONER R. JEFFREY WOODBURN

CLERK OF THE COURT
P. Odell
Deputy

IN RE THE MATTER OF
ROSE B RODNEY

ROSE B RODNEY
4424 E BASELINE RD # 2119
PHOENIX AZ 85042

AND

MICHAEL HARDAWAY

MICHAEL HARDAWAY
1233 N MESA DR APT 2153
MESA AZ 85201

ORDER OF PROTECTION HEARING

Courtroom 305-SEA

Prior to the commencement of today's proceeding, Defendant's Exhibits 1 and 2 are marked for identification.

8:36 a.m. This is the time set for hearing regarding the Order of Protection issued February 8, 2010, in Mesa Municipal Court on behalf of Rose Rodney and against Michael Hardaway. Plaintiff, Rose Rodney, is present on her own behalf. Defendant, Michael Hardaway, is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Rose Rodney and Michael Hardaway are sworn.

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The Court invokes the Rule of Exclusion of Witnesses. The witnesses are instructed as to the Rule and exit the courtroom.

The parties are instructed as to courtroom protocol.

Rose Rodney, having previously been sworn, now testifies.

Michael Hardaway, having previously been sworn, now testifies.

Defendant's Exhibits 1 and 2 are offered into evidence.

Andrea Evans is sworn and testifies.

Rose Rodney testifies further.

Based upon the matters presented herein,

THE COURT FINDS by a preponderance of the evidence that there is reasonable cause to believe that the Defendant has committed an act of domestic violence within the last year.

However,

THE COURT FINDS it appropriate that the Order of Protection be amended as follows:

1. Jaylen Hardaway is removed as a protected person.
2. Defendant shall have no contact with Plaintiff except through attorneys, legal process, court hearings, and as follows: telephone, email/fax/text-messaging, other: Defendant may contact Plaintiff by phone or e-mail. The contact shall only relate to matters involving their child, shall be non-threatening in nature, and shall not contain name-calling or profanity.

The modifications as they pertain to the Order of Protection are set forth in the Amended Order of Protection issued this date.

ISSUED: Hearing Order; Amended Order of Protection; Acceptance of Service; Notice to Sheriff of Positive Brady Indicator.

LET THE RECORD REFLECT that the Defendant signs an Acceptance of Service form in open Court.

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LET THE RECORD FURTHER REFLECT that the parties receive copies of the aforementioned documents in open court.

There being no further need to retain the exhibits in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits to the counsel/party causing them to be marked, or to their written designee.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

Defendant's Exhibits 1 and 2 are released.

ISSUED: Exhibit Release Form.

9:33 a.m. Matter concludes.

FILED: Exhibit Worksheet

LATER: The Hearing Order, Amended Order of Protection, Acceptance of Service, and Notice to Sheriff of Positive Brady Indicator are faxed to MCSO-OIC this date by the above-named deputy clerk.

PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.